



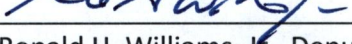
To the Honorable Council
City of Norfolk, Virginia

April 14, 2015

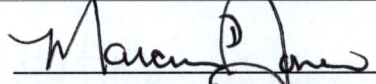
From: George M. Homewood, AICP, CFM, Planning Director

Subject: **New Donut Dinette for the following requests:**

- a. **Special Exception to operate an eating and drinking establishment at 1917 Colley Ave**
- b. **Colley Avenue Pedestrian Commercial Overlay (PCO – Colley) Development Certificate for proposed roofed structure for outdoor seating**

Reviewed: 
Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: 2/6

Approved: 
Marcus D. Jones, City Manager

Item Number:

R-1

- I. **Staff Recommendation: Approval.**
- II. **Commission Action:** By a vote of **6 to 0**, the Planning Commission recommends **Approval**.
- III. **Request:** Special Exception and PCO Development Certificate to operate an eating and drinking establishment with a construction of a new roofed structure to the side of the building.
- IV. **Applicant: New Donut Dinette**
- V. **Description**
This request allow would allow for a new operator to reopen the existing diner, offering alcoholic beverages to their patrons; the PCO Development Certificate will accommodate a deck and rail, underneath an open roofed structure for proposed outdoor seating.

	Proposed (The New Donut Dinette)
Hours of operation and Hours for use of outdoor seating along Colley Avenue	6:00 a.m. until 10:00 p.m., Monday through Thursday Open 24-hours starting Friday at 6:00 a.m., 24-hours ending at 10:00 p.m. on Sunday
Hours for the use of outdoor seating along Harrington Avenue	6:00 a.m. until 10:00 p.m., Sunday through Thursday 6:00 a.m. until 12:00 midnight, Friday and Saturday
Hours for the Sale of Alcoholic Beverages	9:00 a.m. until 10:00 p.m., Seven days a week

Staff point of contact: Matthew Simons at 664-4750, matthew.simons@norfolk.gov

Attachments:

- Staff Report to CPC dated March 26, 2015 with attachments
- Letter of conditional support – Ghent Neighborhood League
- Proponents and Opponents
- Ordinances



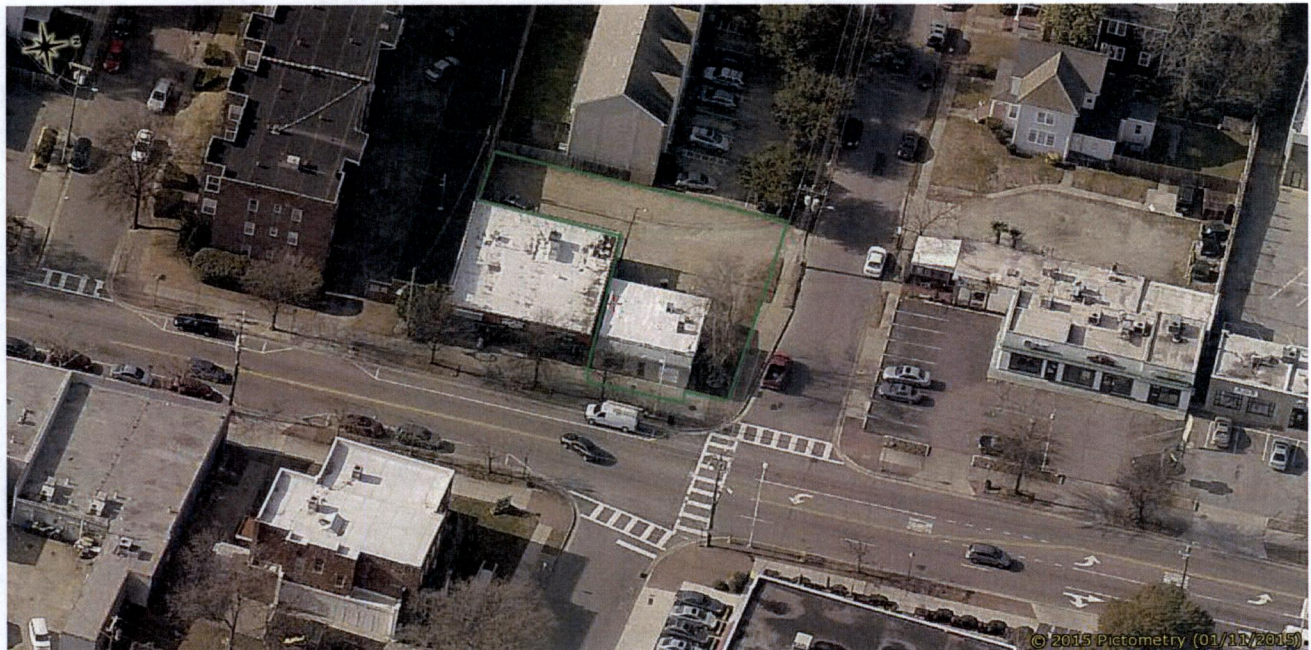
City of NORFOLK

Planning Commission Public Hearing: March 26, 2015

Executive Secretary: George M. Homewood, AICP, CFM *GH*

Staff: Matthew Simons, CFM *MS*

Staff Report		Item No.: 12
Address	1917 Colley Avenue	
Applicant	The New Donut Dinette	
Requests	Special Exception	Eating and Drinking Establishment
	Development Certificate	Colley Avenue Pedestrian Commercial Overlay (PCO – Colley) for proposed roofed structure for outdoor seating
Property Owner	Page and Teresa Jett	
Site Characteristics	Site Area	10,000 sq. ft.
	Zoning	C-2 (Corridor Commercial) PCO-Colley
	Neighborhood	Ghent
	Character District	Traditional
Surrounding Area	North	C-2 & PCO-Colley: Nazef
	East	C-2 & PCO-Colley: Chabad House
	South	C-2 & PCO-Colley: Ghent Lamp & Shade
	West	R-13 (Moderately High-Density Multi-Family): townhomes



A. Summary of Request

- This request would allow for a new operator to reopen the existing diner, operating as The New Donut Dinette and offering alcoholic beverages to their patrons; the PCO Development Certificate will accommodate a deck and rail, underneath an open roofed structure for proposed outdoor seating.
- The site is located along the west side of Colley Avenue, just south of Harrington Avenue within the Ghent neighborhood, and along a corridor mixed with commercial, residential and institutional uses.

B. Plan Consistency

The proposed special exception and PCO development certificate is consistent with *plaNorfolk2030*, which designates this site as Commercial.

C. Zoning Analysis

i. General

- The site is zoned C-2 (Corridor Commercial) and Colley Avenue Pedestrian Commercial Overlay (PCO-Colley) districts which permits the proposed use by Special Exception and requires a PCO Development Certificate for any new construction.
- The site is surrounded by a mix of commercial, residential and institutional uses nearby.

	Proposed (The New Donut Dinette)
Hours of operation and Hours for use of outdoor seating along Colley Avenue	6:00 a.m. until 10:00 p.m., Monday through Thursday Open 24-hours starting Friday at 6:00 a.m., 24-hours ending at 10:00 p.m. on Sunday
Hours for the use of outdoor seating along Harrington Avenue	6:00 a.m. until 10:00 p.m., Sunday through Thursday 6:00 a.m. until 12:00 midnight Friday and Saturday
Hours for the Sale of Alcoholic Beverages	9:00 a.m. until 10:00 p.m., Seven days a week
Capacity	<ul style="list-style-type: none">• 36 seats indoors• 56 seats outdoors• 95 total capacity

Special exception history:

City Council Approval	Applicant	Changes
Development Certificate - 2010	Do Nut Dinette by Greg Pastore	Initial Application – Addition to front of building
Encroachment into the public right-of-way - Pending	The New Donut Dinette by Robyn Thomas	280 square feet of outdoor dining area to encroach 8' along Colley Avenue
Development Certificate – Pending	The New Donut Dinette by Charles Sears	Addition of outdoor dining structure along Harrington
Special Exception for an Eating and Drinking Establishment - Pending	The New Donut Dinette by Charles Sears	Addition of alcohol for on-premise consumption

ii. Parking

- The off-street parking requirement for restaurants within the PCO-Colley district is based upon the number of indoor seats proposed.
- The new restaurant as proposed will accommodate approximately the same number of indoor seats compared to how the original Donut Dinette operated.
- Since there is no increase in indoor seating being proposed, no new parking is required for this application.
- The additional of alcohol to an existing eating establishment is not correlated with an increase in off-street parking demand.
- However, a parking analysis was performed to determine whether the site could accommodate the restaurant as proposed, as well as the 2,000 square feet of specialty retail and 1,000 square feet for the hair salon, which altogether requires approximately 6 parking spaces for the retail/hair salon and 9 spaces for the restaurant.
 - The adjacent parking lot to the rear is able to accommodate the 15 off-street parking spaces needed to meet the total minimum parking requirements.
 - Given the square footage of the proposed restaurant, no bicycle parking spaces are required.
 - There is an existing bicycle rack within the public right-of-way, which is able to accommodate two bicycles.
- The site complies with current parking requirements.

iii. Flood Zone

The property is located in the X Flood Zone, which is a low risk flood zone.

iv. Development Standards – PCO Development Certificate

- Building Location and Orientation:
 - The proposed structure is pulled to the property lines along the southwest corner of Colley Avenue and Harrington Avenue.

- The principal façade and entrance for the building is located along Colley Avenue.
- The proposed development is in compliance with the building location and orientation standards.
- Façade Treatment:
 - Both of the ground floor façades along Colley Avenue and Harrington Avenue are transparent and therefore no waiver is needed.
- Parking Location and Access:
 - Parking is located to the rear of the building, which is in compliance with the PCO development standards.
- Signage:
 - All signage will conform to the PCO development standards.
- Landscaping and Buffering:
 - The existing trees within this portion of the property are proposed to be incorporated into the proposed design of the structure, and the proposed plans have been reviewed and approved by the City's Landscape Architect and Acting Building Code Official to ensure that the design is likely to preserve the trees and in keeping with all building codes.
- The proposed use and development meets all *Zoning Ordinance* requirements with no waivers necessary.

D. Transportation Impacts

- Institute of Transportation Engineers figures calculate forecast travel for restaurants based upon the total seating of an establishment.
- Since no increase in indoor seating is being proposed for the site, no additional trips are projected.

E. Impact on the Environment

The applicant is proposing to preserve the existing trees to the north of the building; incorporating them into the design of the outdoor dining, with appropriate surface material and permeability so as not to hinder the continued health and growth of the trees.

F. Impact on Surrounding Area/Site

- In order to adequately screen potential impacts to the adjacent residential to the west, the following additional conditions will be imposed:
 - A six-foot solid wood fence shall be installed and maintained along the rear property line, immediately adjacent to the residential to the west.
 - Landscaping shall be installed and maintained between the parking lot and the Harrington Avenue sidewalk edge.
- A trashcan enclosure shall be installed and maintained adjacent to the rear edge of the building, with a six-foot solid wood fence to surround, and with landscaping installed and maintained along the base of all three sides.

- By requiring this use to conform to the conditions listed below, the proposed Eating and Drinking Establishment should not have a negative effect on the surrounding neighborhood.

G. Payment of Taxes

The owner of the property is current on all real estate taxes.

H. Civic League

- Letters were sent to the Ghent Neighborhood League and Ghent Business Association on February 4.
- The applicant presented the proposal to the residents of the Ghent Neighborhood League on January 15th.

I. Communication Outreach/Notification

- Legal notice was posted on the property on November 4.
- Letters were mailed to all property owners within 300 feet of the property on February 12 and March 12.
Legal notification was placed in *The Virginian-Pilot* on March 12 and 19.

J. Recommendation

Staff recommends that the special exception request be **approved** subject to the conditions shown below:

- (a) The hours of operation for the establishment and for the use of the outdoor seating on the east of the building (along Colley Avenue) shall be from 6:00 a.m. until 10:00 p.m., Monday through Thursday, from 6:00 a.m. until 12:00 midnight on Friday, 24-hours on Saturday, and from 12:00 a.m. until 10 p.m. on Sunday. No use of the establishment outside of the hours of operation listed herein shall be permitted.
- (b) The hours for the use of the outdoor seating on the north side of the building (along Harrington Avenue) shall be limited to 6:00 a.m. until 10:00 p.m. Sunday through Thursday and from 6:00 a.m. until 12:00 midnight on Friday and Saturday. No use of this outdoor seating area outside the hours of operation listed herein shall be permitted.
- (c) The hours for the sale of alcoholic beverages shall be from 9:00 a.m. until 10:00 p.m., seven days a week.
- (d) The seating for the establishment shall not exceed 36 seats indoors, 56 seats outdoors, and the total occupant capacity, including employees, shall not exceed 95 people.
- (e) No portion of the outdoor dining area shall be enclosed and any covering

must leave the dining space open on at least three sides and no portion of the outdoor dining area shall be heated or cooled.

- (f) In order to shield the adjacent residential property, a six (6) foot tall wooden privacy fence shall be installed along the eastern property line extending from the northernmost point of the existing fence and continuing northwardly to a point approximately 10 feet from the northern property line.
- (g) A dumpster or trash enclosure shall be installed along the rear of the building, in a location that does not interfere with any existing parking spaces or impede the drive aisle, and shall include a six (6) foot tall wooden privacy fence, with a locking gate, to surround the enclosure.
- (h) The existing trees on the property, located north of the building, shall not be removed, and no development or improvements that are likely to adversely affect health or growth of the trees shall be permitted in the area north of the building.
- (i) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier.
- (j) The establishment shall maintain a current, active business license at all times while in operation.
- (k) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.
- (l) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.
- (m) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the special exception so as to keep such areas free

of litter, refuse, solid waste, and any bodily discharge.

- (n) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.
- (o) The business authorized by this special exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this special exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new special exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.
- (p) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this special exception. This special exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.
- (q) There shall be no entertainment, no dancing, and no dance floor provided.
- (r) Neither the establishment nor any portion of it shall be leased, let, or used to stage any private party and no outside promoter shall be permitted to use, operate, rent, or host any event on the premises.
- (s) A copy of this special exception ordinance and Exhibits shall be available on the premises at all times for inspection, and a notice indicating that this special exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.
- (t) No business license shall be issued for any business on the property until conditions (f) and (g) above, have been complied with in their entirety.

Attachments:

Location map

Zoning map

1000' radii map of similar ABC establishments

Special Exception Application – Eating and Drinking

Development Certificate Application – PCO–Colley Avenue

Site plan

Proposed elevations for development certificate

Proponents and Opponents

Proponents

David Zellmer – GNL representative
718 Redgate Avenue
Norfolk, VA 23507

Opponents

None

Form and Correctness Approved: 

By 
Office of the City Attorney

Contents Approved: 

By 
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION AUTHORIZING THE OPERATION OF AN EATING AND DRINKING ESTABLISHMENT KNOWN AS "THE NEW DONUT DINETTE" ON PROPERTY LOCATED AT 1917 COLLEY AVENUE.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to Little Dog Diner, LLC authorizing the operation of an eating and drinking establishment named "The New Donut Dinette" on property located at 1917 Colley Avenue. The property which is the subject of this Special Exception is more fully described as follows:

Property fronting 100 feet, more or less, along the western line of Colley Avenue and 100 feet, more or less, along the southern line of Harrington Avenue; premises numbered 1917 Colley Avenue.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

- (a) The hours of operation for the establishment and for the use of the outdoor seating on the east side of the building (along Colley Avenue) shall be limited to 6:00 a.m. until 10:00 p.m. Monday through Thursday, from 6:00 a.m. until 12:00 midnight on Friday, 24-hours on Saturday, and from 12:00 a.m. until 10:00 p.m. on Sunday. No use of the establishment outside of the hours of operation listed herein shall be permitted.
- (b) The hours for the use of the outdoor seating on the north side of the building (along Harrington Avenue) shall be limited to 6:00 a.m. until 10:00 p.m. Sunday through Thursday and from 6:00 a.m. until 12:00 midnight on Friday and Saturday. No use of this outdoor seating area outside the hours of operation listed herein shall be permitted.

- (c) The hours for the sale of alcoholic beverages shall be limited to 9:00 a.m. until 10:00 p.m., seven days per week.
- (d) The seating for the establishment shall not exceed 36 seats indoors, 56 seats outdoors, and the total occupant capacity, including employees, shall not exceed 95 people.
- (e) No portion of the outdoor dining area shall be enclosed and any covering must leave the dining space open on at least three sides and no portion of the outdoor dining area shall be heated or cooled.
- (f) In order to shield the adjacent residential property, a six (6) foot tall wooden privacy fence shall be installed along the eastern property line extending from the northernmost point of the existing fence and continuing northwardly to a point approximately 10 feet from the northern property line.
- (g) A dumpster or trash enclosure shall be installed along the rear of the building in a location that does not interfere with any existing parking spaces or impede the use of the vehicular drive aisle and shall include a six (6) foot tall wooden privacy fence, with a locking gate, surrounding the enclosure.
- (h) The existing trees on the property, located north of the building, shall not be removed, and no development or improvements that are likely to adversely affect health or growth of the trees shall be permitted in the area north of the building.
- (i) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days

after the change or until a new special exception is granted showing the new owner, whichever is earlier.

- (j) The establishment shall maintain a current, active business license at all times while in operation.
- (k) The establishment shall remain current on all food and beverages taxes and other local taxes which may become due while it is in operation.
- (l) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.
- (m) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the Special Exception so as to keep such areas free of litter, refuse, solid waste, and any bodily discharge.
- (n) A menu shall be provided containing an assortment of foods which shall be made available at all times the restaurant is open. A food menu and full dining service shall be available at the bar.
- (o) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Special Exception. Should any owner, operator, or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Special Exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.
- (p) The violation of any requirement, limitation, or

restriction imposed by the Virginia ABC Commission shall be deemed a violation of this Special Exception. This Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.

- (q) There shall be no entertainment, no dancing, and no dance floor provided.
- (r) Neither the establishment nor any portion of it shall be leased, let, or used to stage any private party and no outside promoter shall be permitted to use, operate, rent, or host any event on the premises.
- (s) A copy of this Adult Use Special Exception ordinance and Exhibits shall be available on site at all times for inspection, and a notice indicating that this Adult Use Special Exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.
- (t) No business license shall be issued for any business on the property until conditions (f) and (g) above, have been complied with in their entirety.

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

- (a) The proposed use and development will be in harmony with the objectives and policies of the adopted General Plan of Norfolk and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;

- (b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;
- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;
- (d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;
- (e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;
- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- (g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;
- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;
- (j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing

such use; and

- (k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENT:

Exhibit A (3 pages)

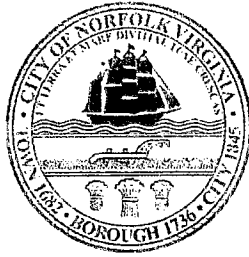


EXHIBIT "A"
Description of Operations
Eating and Drinking Establishment

Date 10/30/14
Trade name of business THE NEW DONUT DINETTE
Address of business 1917 COLLETT AVE. / CHARLES SUMERS
Name(s) of business owner(s)* Little Donut Drive LLC STEVE DELA CRUZ
Name(s) of property owner(s)* PAUL + TORRESA JEFF
Daytime telephone number (757) 625-0259

*If business or property owner is partnership, all partners must be listed.

*If business or property owner is an LLC or Corporation, all principals must be listed.

1. Proposed Hours of Operation:

Facility	Alcoholic Beverage Sales
Weekday From <u>6 AM</u> To <u>10 PM</u>	Weekday From <u>9 AM</u> To <u>10 PM</u>
Friday From <u>6 AM</u> To <u>all night</u>	Friday From <u>9 AM</u> To <u>10 PM</u>
Saturday From <u>24 - hours</u>	Saturday From <u>9 AM</u> To <u>10 PM</u>
Sunday From <u>all morning</u> To <u>10 PM</u>	Sunday From <u>9 AM</u> To <u>10 PM</u>

2. Type of ABC license applied for (check all applicable boxes)
☒ On-Premises ☐ Off-Premises (additional application required)
3. Type of alcoholic beverage applied for
☒ Beer ☒ Wine ☒ Mixed Beverage
4. Will indoor or outdoor entertainment be provided?
(Entertainment consists of anything more than one, unamplified musician)
☐ Yes (Different application required) ☒ No

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT
810 Union Street, Room 508
Norfolk, Virginia 23510
Telephone (757) 664-4752 Fax (757) 441-1569
(Revised July 2013)

Exhibit A – Page 2
Eating and Drinking Establishment

5. Will video games, pool tables, game boards or other types of games be provided?
☐ Yes (If more than 4, additional application required) ☒ No

5a. If yes, please describe type and number of each game to be provided

6. Will patrons ~~ever~~ be charged to enter the establishment?
☐ Yes ☒ No

6a. If yes, why

- 6b. Which days of the week will there be a cover charge (circle all applicable days)?

Monday Tuesday Wednesday Thursday Friday

Saturday Sunday

7. Will the facility or a portion of the facility be available for private parties?
☐ Yes ☒ No

7a. If yes, explain

8. Will a third party ~~(promoter)~~ be permitted to lease, let or use the establishment?
☐ Yes ☒ No

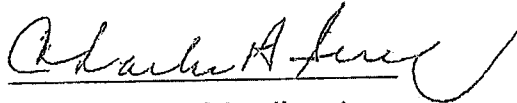
8a. If yes, explain

9. Will there ever be a minimum age limit?
☐ Yes ☒ No

Exhibit A – Page 3
Eating and Drinking Establishment

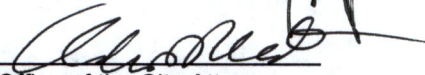
10. Additional comments/ description/operational characteristics or prior experience:

Note: If smoking is permitted, then floor plans must be submitted showing all necessary building requirements for such facility



Signature of Applicant

Form and Correctness Approved: 

By 
Office of the City Attorney

Contents Approved: 

By 
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE GRANTING A PEDESTRIAN COMMERCIAL OVERLAY DISTRICT DEVELOPMENT CERTIFICATE TO PERMIT THE CONSTRUCTION OF AN OUTDOOR DINING CANOPY AND RELATED STRUCTURE ON PROPERTY LOCATED AT 1917 COLLEY AVENUE.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Pedestrian Commercial Overlay District (PCO) Development Certificate is hereby granted to permit the construction of an outdoor dining canopy and related structure on property located at 1917 Colley Avenue. The property to which this PCO Development Certificate applies is more fully described as follows:

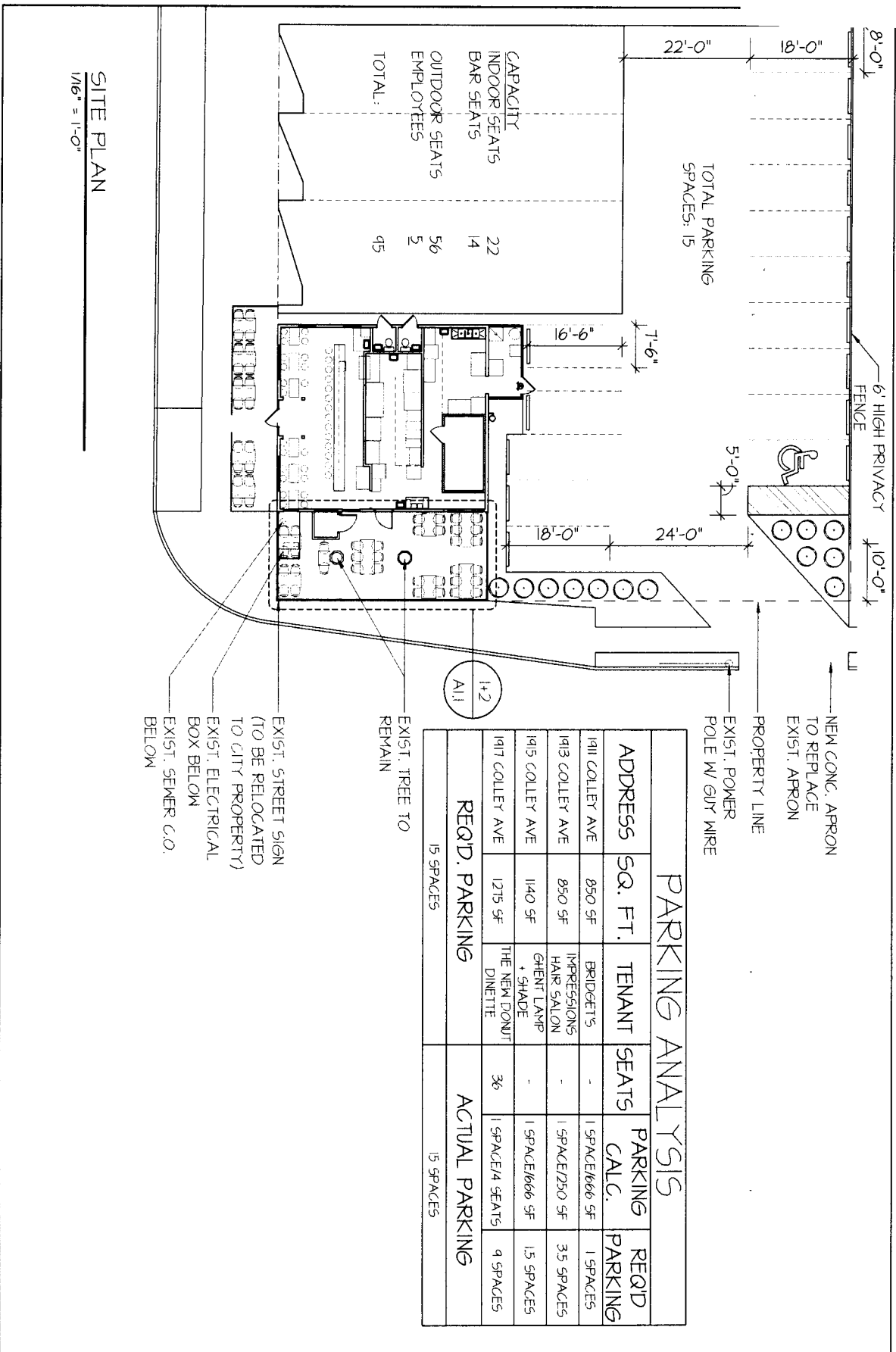
Property fronting 100 feet, more or less, along the western line of Colley Avenue and 100 feet, more or less, along the southern line of Harrington Avenue; premises numbered 1917 Colley Avenue.

Section 2:- That the PCO Development Certificate granted hereby shall be subject to the following conditions:

- (a) The outdoor dining canopy and related structure shall be constructed in accordance with site plan, first floor plan, roof plan, and wall section plans prepared by Robyn Thomas Architecture, dated January 23, 2015, attached hereto and marked as "Exhibit A."
- (b) Any subsequent changes made to the project, as described in the staff report and as approved through this development certificate process, shall be reviewed as an amendment to the development certificate.

Section 3:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENT:
Exhibit A (4 pages)



SITE PLAN
1/16" = 1'-0"

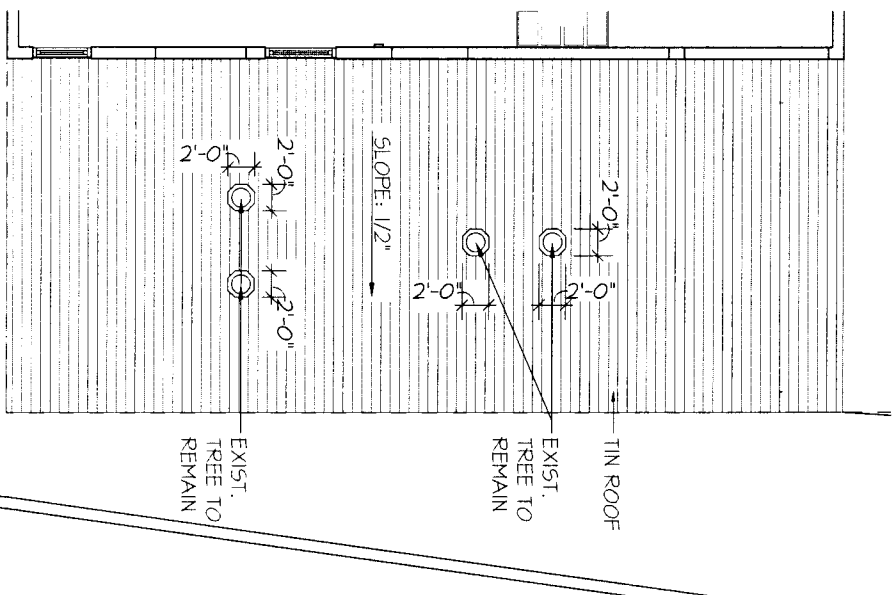
DATE: 01-23-2015
DRAWN: CGB
CHECKED: RJT
A1.0

REVISIONS	DATE	COMMENTS

RENOVATIONS TO
1917 COLLEY AVE.
NORFOLK, VA



ROBIN THOMAS
ARCHITECTURE
913 W. 21st Street, Suite C
Norfolk, VA 23517
ONE: 757.622.7100
FAX: 757.622.1074


$$\frac{3}{16}'' = 1'-0''$$

3/16" = 1'-0"

OF	A1.1
01/23/2015	
DATE	
14-08-4	
COMM. NO.	
DRAWN	CGB
CHECKED	RJT

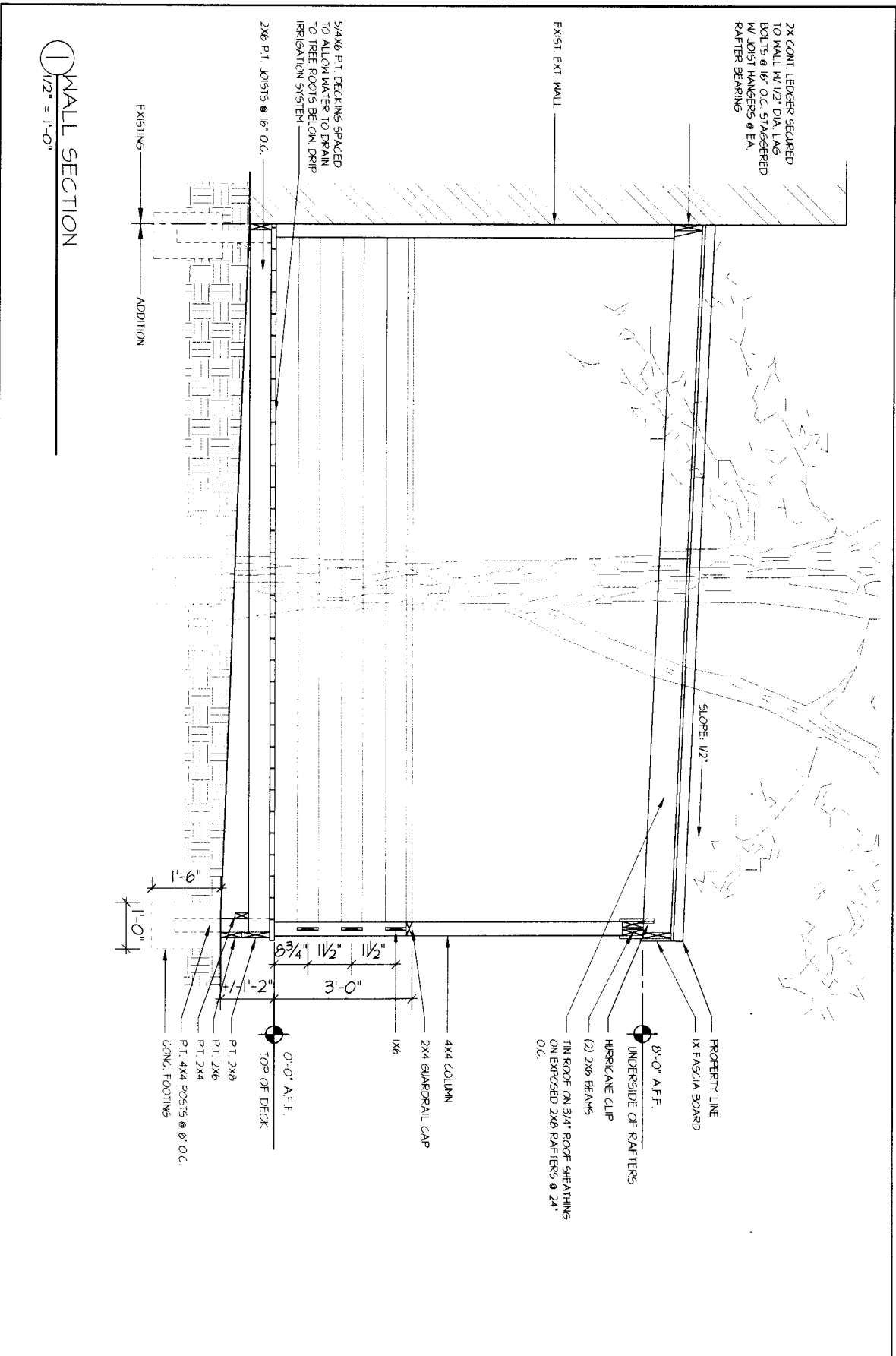
REVISIONS	
DATE	COMMENTS

RENOVATIONS TO
1917 COLLEY AVE.
NORFOLK, VA



ROBYN THOMAS
ARCHITECTURE
913 W. 21st Street, Suite C
Norfolk, VA 23517
Onc: 757 622 7100
Fax: 757 640 1014





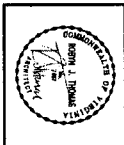
1 WALL SECTION

1/2" = 1'-0"

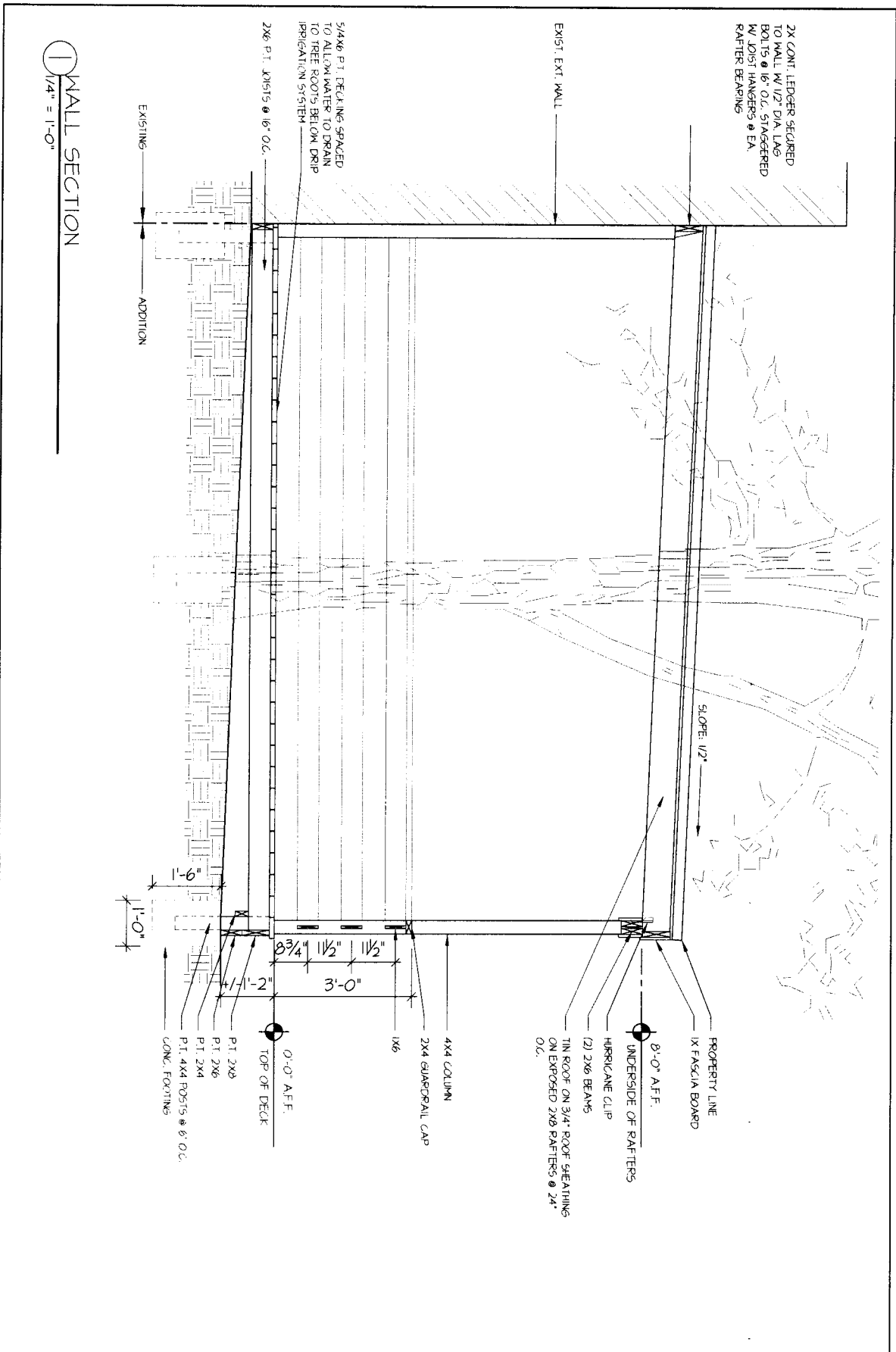
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DATE	14-09-04
COM. NO.	
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CHECKED	RLT

REVISIONS	DATE	COMMENTS
1		

RENOVATIONS TO
1917 COLLEY AVE.
NORFOLK, VA



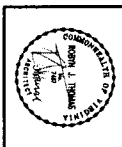
ROBYN THOMAS
ARCHITECTURE
913 W. 21st Street, Suite C
Norfolk, VA 23517
Tel: 757.622.7160
Fax: 757.624.1574



DATE	07-14-2006
DATE	14-09-04
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DRAWN	CEB
CHECKED	RJT

REVISIONS	DATE	COMMENTS

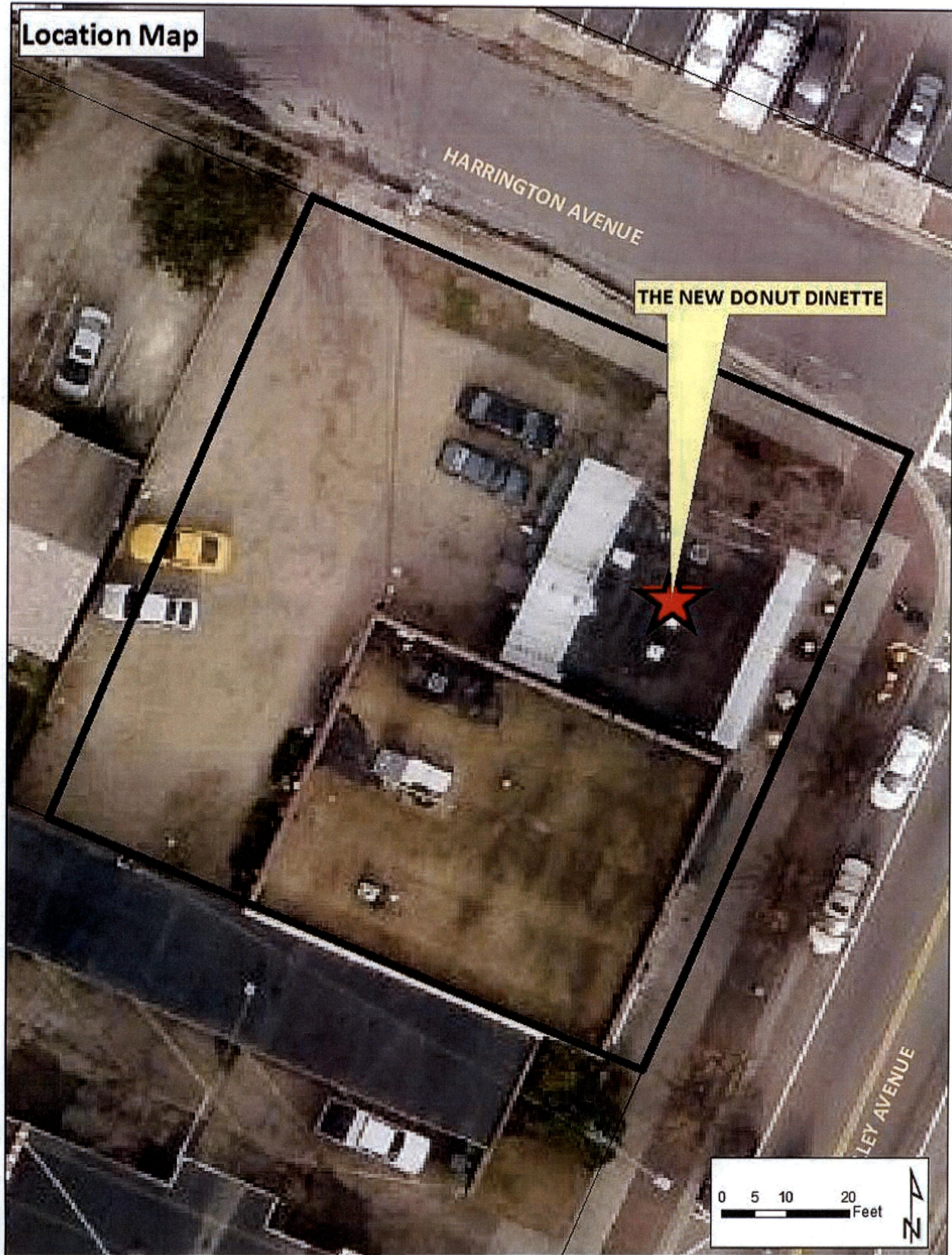
RENOVATIONS TO
1917 COLLEY AVE.
NORFOLK, VA



ROBIN THOMAS ARCHITECTURE

913 W. 21st Street, Suite C
Norfolk, VA 23517
ON: 757.622.7100
FAX: 757.622.1514

Location Map



HARRINGTON AVENUE

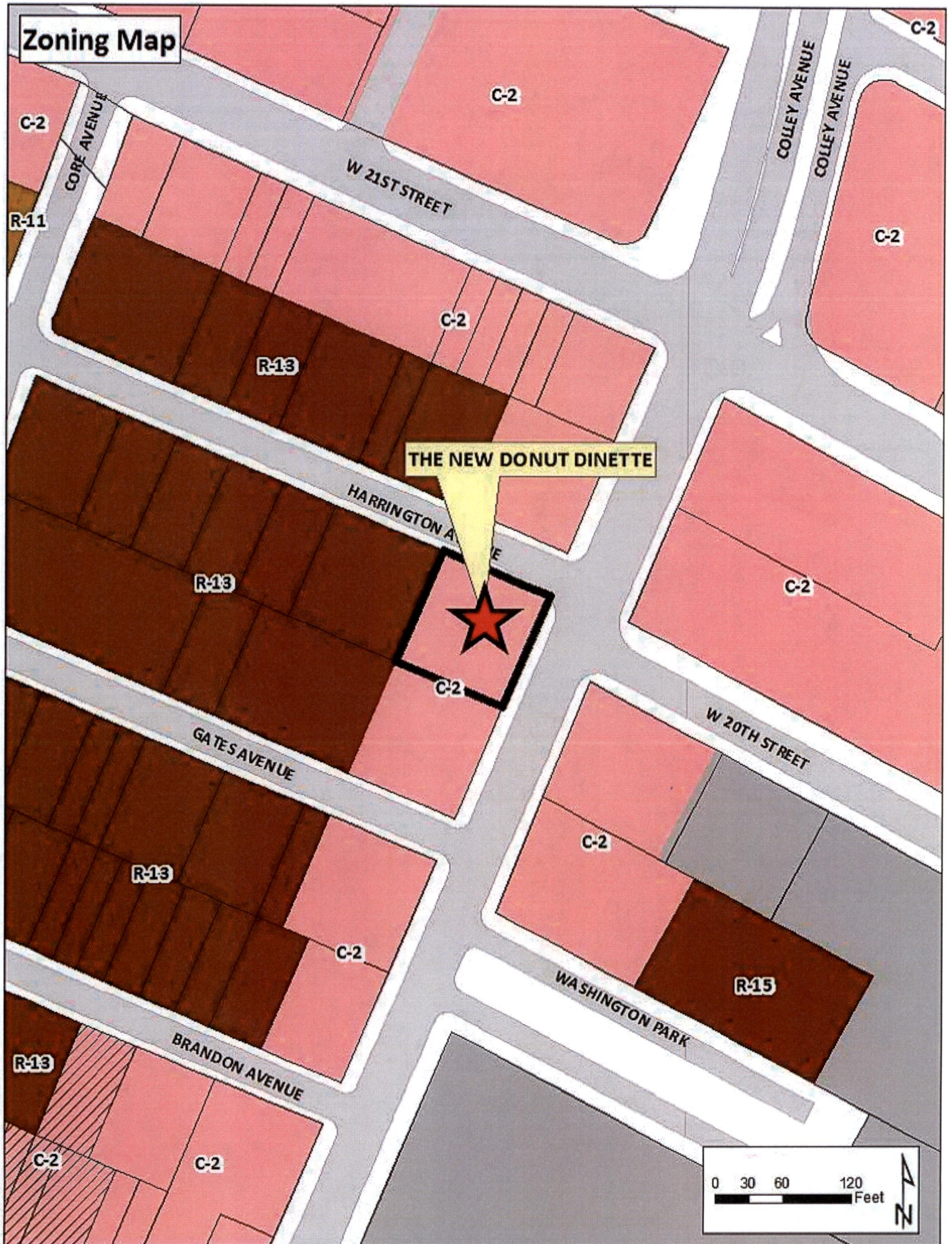
THE NEW DONUT DINETTE

VALLEY AVENUE

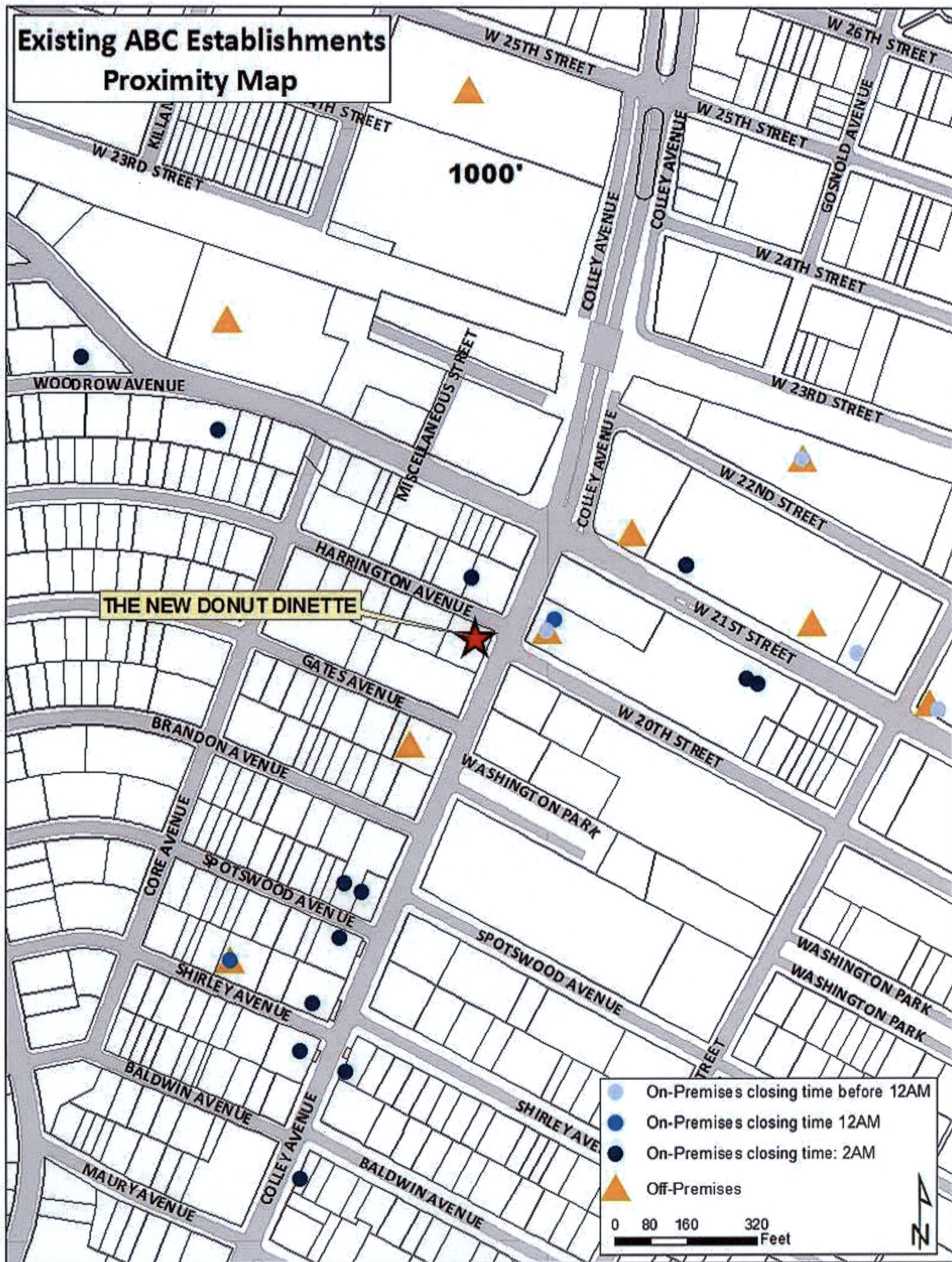
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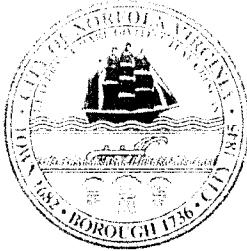


Zoning Map



Existing ABC Establishments Proximity Map





**APPLICATION
ADULT USE SPECIAL EXCEPTION
EATING AND DRINKING ESTABLISHMENT
(Please print)**

Date 10/30/14

DESCRIPTION OF PROPERTY

Address 1917 COLLET AVE

Existing Use of Property RESTAURANT

Proposed Use RESTAURANT

Current Building Square Footage _____

Proposed Building Square Footage _____

Trade Name of Business (if applicable) THE NEW DONUT DINETTE

APPLICANT/ PROPERTY OWNER

1. Name of applicant: (Last) SEARS (First) CHARLES (MI) _____

Mailing address of applicant (Street/P.O. Box) 1421 COLLET AVE

(City) NORFOLK (State) VA (Zip Code) 23507

Daytime telephone number of applicant 757 672-3523 Fax number () _____

E-mail address of applicant reddog@reddogsaloon-ghent.com

2. Name of property owner (Last) JETT (First) PAGE TERESA (MI) _____

Mailing address of property owner (Street/P.O. Box) 1307 DANIEL AVE

(City) NORFOLK (State) VA (Zip Code) 23505

Daytime telephone number of owner 757 438-3020 Fax number () _____

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised July 2013)

CONTACT INFORMATION

Civic League contact ANL.

Date(s) contacted 10/31/14.

Ward/Super Ward information _____

REQUIRED ATTACHMENTS

- Required application fee, **\$355.00** (if check, make payable to Norfolk City Treasurer).
 - Application fee includes a non-refundable \$5 technology surcharge.
- Two 8½ inch x 14 inch (maximum size) copies of a floor plan prepared by a registered design professional drawn to scale showing seats/tables, restroom facilities, bar, ingress and egress, standing room, outdoor dining and total maximum capacity (see attached example)
- Two 8½ inch x 14 inch (maximum size) copies of a survey or conceptual site plan (required for new construction or site improvements) drawn to scale showing:
 - Existing and proposed building structures
 - Driveways
 - Parking
 - Landscaping
 - Property lines (see attached example)
- Completed Exhibit A, Description of Operations (attached)

CERTIFICATION

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: Page A. Jett Sign: Page A. Jett 10/31/14
(Property Owner or Authorized Agent Signature) (Date)

Print name: CHARLES H. SEARS Jr Sign: Charles 10/31/14
(Applicant or Authorized Agent Signature) (Date)

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

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Norfolk, Virginia 23510

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(Revised July 2013)

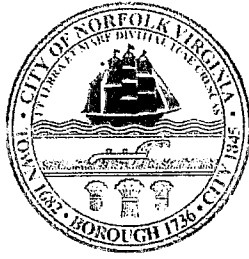


EXHIBIT "A"
Description of Operations
Eating and Drinking Establishment

Date 10/30/14
Trade name of business THE NEW DONUT DINETTE
Address of business 1917 COLLETT AVE. / CHARLES STONES
Name(s) of business owner(s)* Little Don Diner LLC STEVE DELA CRUZ
Name(s) of property owner(s)* PAUL + TORRESA JEFF
Daytime telephone number (757) 625-0259

*If business or property owner is partnership, all partners must be listed.

*If business or property owner is an LLC or Corporation, all principals must be listed.

1. Proposed Hours of Operation:

Facility	Alcoholic Beverage Sales
Weekday From <u>6 AM</u> To <u>10 PM</u>	Weekday From <u>9 AM</u> To <u>10 PM</u>
Friday From <u>6 AM</u> To <u>all night</u>	Friday From <u>9 AM</u> To <u>10 PM</u>
Saturday From <u>24 - hours</u>	Saturday From <u>9 AM</u> To <u>10 PM</u>
Sunday From <u>all morning</u> To <u>10 PM</u>	Sunday From <u>9 AM</u> To <u>10 PM</u>

2. Type of ABC license applied for (check all applicable boxes)
☒ On-Premises ☐ Off-Premises (additional application required)
3. Type of alcoholic beverage applied for
☒ Beer ☒ Wine ☒ Mixed Beverage
4. Will indoor or outdoor entertainment be provided?
(Entertainment consists of anything more than one, unamplified musician)
☐ Yes (Different application required) ☒ No

Exhibit A – Page 2
Eating and Drinking Establishment

5. Will video games, pool tables, game boards or other types of games be provided?
☐ Yes (If more than 4, additional application required) ☒ No

5a. If yes, please describe type and number of each game to be provided

6. Will patrons ever be charged to enter the establishment?
☐ Yes ☒ No

6a. If yes, why

- 6b. Which days of the week will there be a cover charge (circle all applicable days)?

Monday Tuesday Wednesday Thursday Friday
Saturday Sunday

7. Will the facility or a portion of the facility be available for private parties?
☐ Yes ☒ No

7a. If yes, explain

8. Will a third party (promoter) be permitted to lease, let or use the establishment?
☐ Yes ☒ No

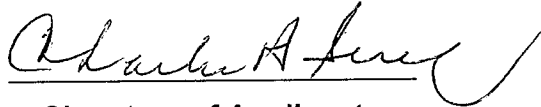
8a. If yes, explain

9. Will there ever be a minimum age limit?
☐ Yes ☒ No

Exhibit A – Page 3
Eating and Drinking Establishment

10. Additional comments/ description/operational characteristics or prior experience:

Note: If smoking is permitted, then floor plans must be submitted showing all necessary building requirements for such facility



Signature of Applicant

**Exhibit A – Floor Plan(s) Worksheet
Eating and Drinking Establishment**

- Complete this worksheet based for each floor plan submitted with application.
- Floor plan must be prepared by a registered design professional and include:
 - Tables/seats
 - Restroom facilities
 - Bar
 - Ingress and egress
 - Standing room
 - Outdoor seating
 - Total maximum capacity (including employees)

Total capacity

a. Indoor

Number of seats (not including bar seats)

22

Number of bar seats

14

Standing room

b. Outdoor

Number of seats

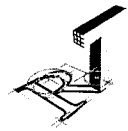
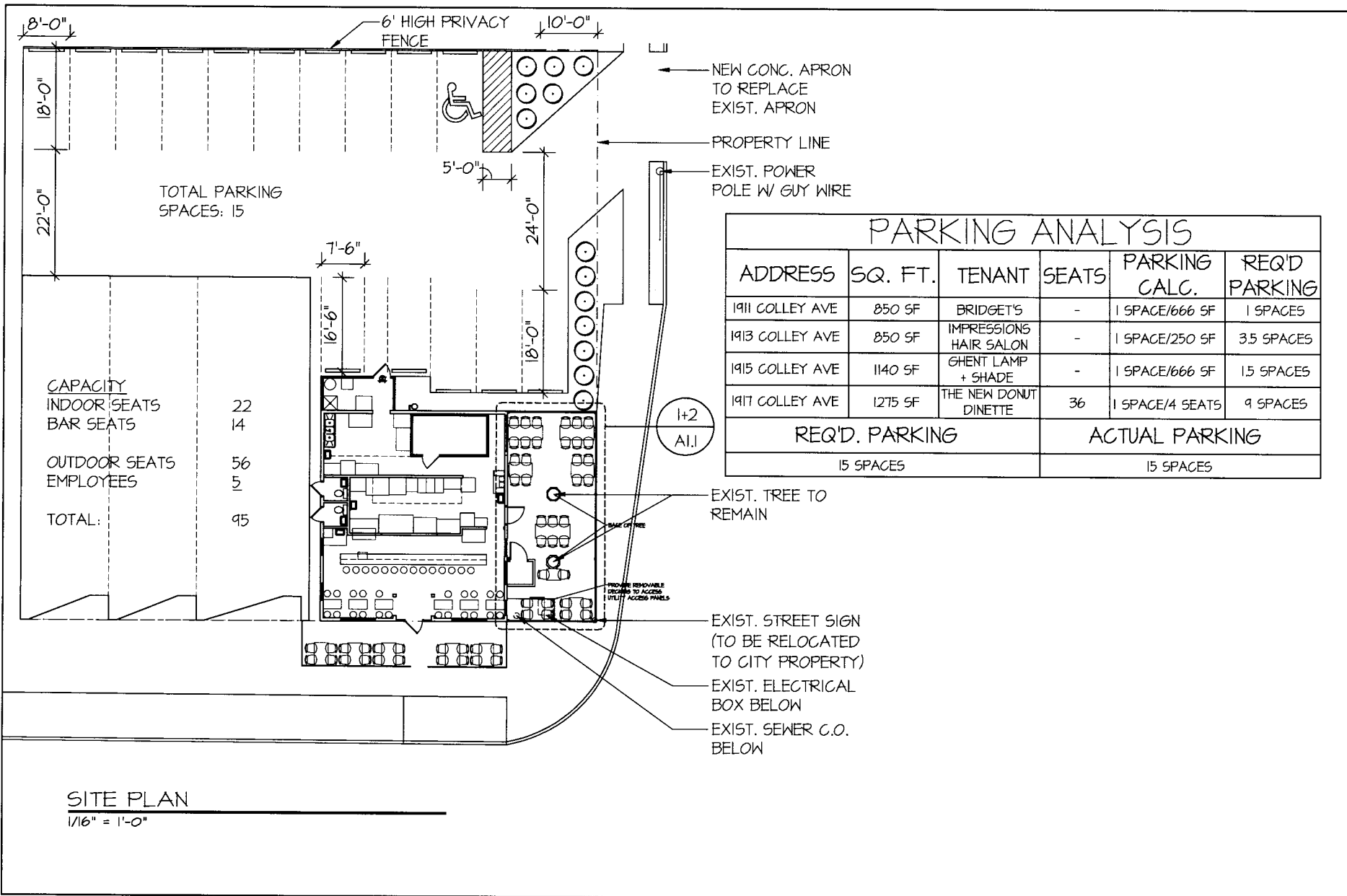
56

c. Number of employees

5

Total Occupancy

(Indoor/Outdoor seats, standing room and employees) = 95



**ROBYN THOMAS
ARCHITECTURE**

913 W. 21st Street, Suite C
Norfolk, VA 23517

On: 757.622.7100
Fax: 757.640.1014



RENOVATIONS TO
1917 COLLEY AVE.
NORFOLK, VA

REVISIONS

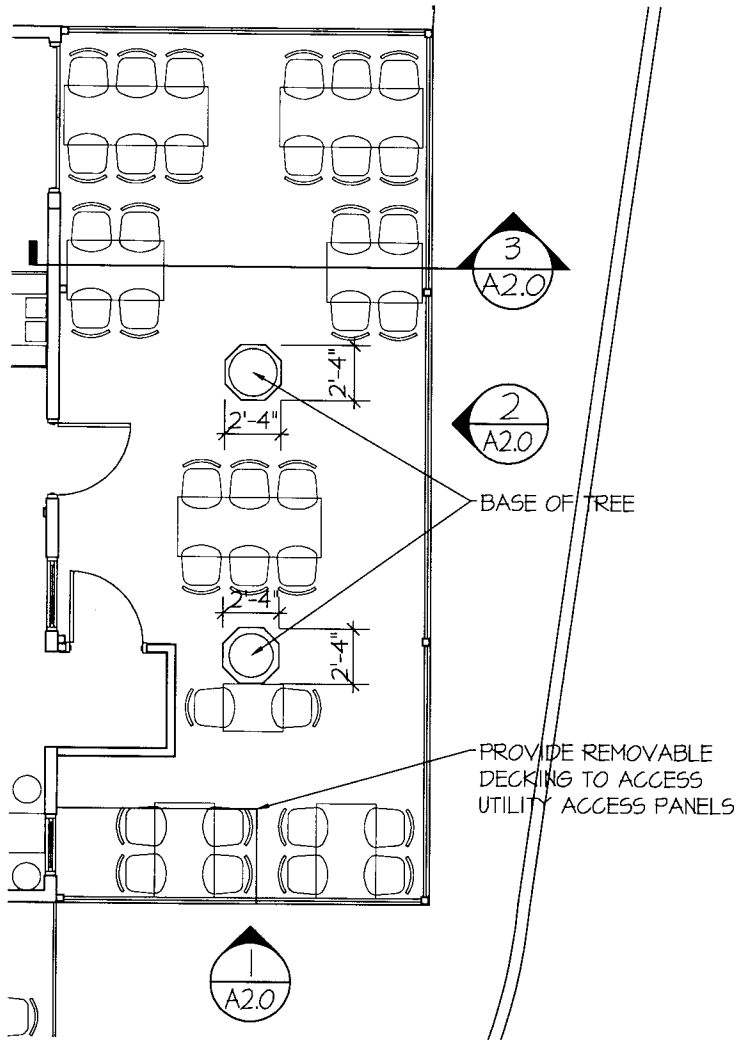
DATE	COMMENTS

1 OF 3
01.23.2015
DATE
14-0084
COMM. NO.

A1.0

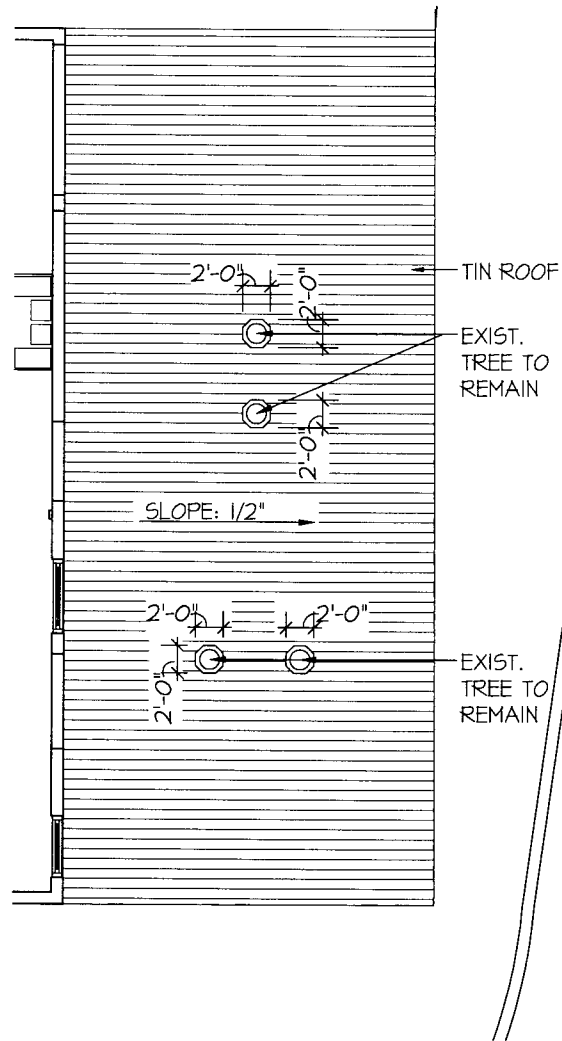
DRAWN CGB

CHECKED RJT



FIRST FLOOR PLAN

3/16" = 1'-0"



ROOF PLAN

3/16" = 1'-0"



ROBYN THOMAS
ARCHITECTURE

913 W. 21st Street, Suite C
Norfolk, VA 23517

Off: 757.622.7100
Fax: 757.640.1014

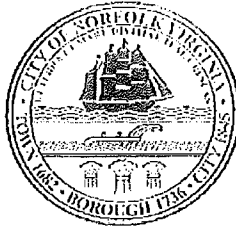


RENOVATIONS TO
1917 COLLEY AVE.
NORFOLK, VA

REVISIONS

DATE	COMMENTS

2 OF 3	A1.1
01.23.2015	DATE
14-08-4	COMM. NO.
DRAWN CGB	
CHECKED RJT	



APPLICATION
Pedestrian Commercial Overlay Development Certificate

Date of application: 3/10/15

DESCRIPTION OF PROPERTY

Proposed Location of Property: Street Number 1917 (Street Name) COLLEY

Zoning Classification: C-2

Existing Use of Property: DINING

Current Building Square Footage 1274 SF

Proposed Use DINING ESTABLISHMENT

Trade Name of Business (If applicable) LITTLE DOG DINER LLC

APPLICANT/ PROPERTY OWNER

1. Name of applicant: (Last) SEARS (First) CHARLES (MI) _____

Mailing address of applicant (Street/P.O. Box): 1421 COLLEY AVE

(City) NORFOLK (State) VA (Zip Code) 23517

Daytime telephone number of applicant (757) 625-6259 Fax () —

E-mail address of applicant: REDDOG@REDDOGSALOON-GHENT.COM

2. Name of property owner: (Last) JETT (First) PAGE & THERESA (MI) _____

Mailing address of property owner (Street/P.O. box): 1307 DANIEL AVE

(City) NORFOLK (State) VA (Zip Code) 23505

Daytime telephone number of owner (757) 438-3030 Fax number () _____

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised July, 2013)

CIVIC LEAGUE INFORMATION

Civic League contact: HENRY BONDE - GHENT CIVIC LEAGUE

Date(s) contacted: JAN 13TH, 2015

Ward/Super Ward Information: _____

CRITERIA FOR REVIEW

Please provide the following information:

- (a) Use characteristics of the proposed development, including the types of ground-floor active uses and activity continuity along the street front.

OUTDOOR DINING - PLEASE SEE DWGS.

- (b) Location and adequacy of off-street parking and loading provisions, including desirability of bicycle parking.

BEHIND RESTAURANT - PLEASE SEE PARKING ANALYSIS ON A.I.O

- (c) Architectural relationships, both formal and functional, of the proposed development of both surrounding buildings and the public right-of-way, including siting, massing, proportion, and scale.

PLEASE SEE DWGS.

- (d) Suitability of signs, landscape, lighting, and other site or building features in relations to the existing or planned public improvements in the district.

PLEASE SEE DWGS.

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised July, 2013)

REQUIRED ATTACHMENTS

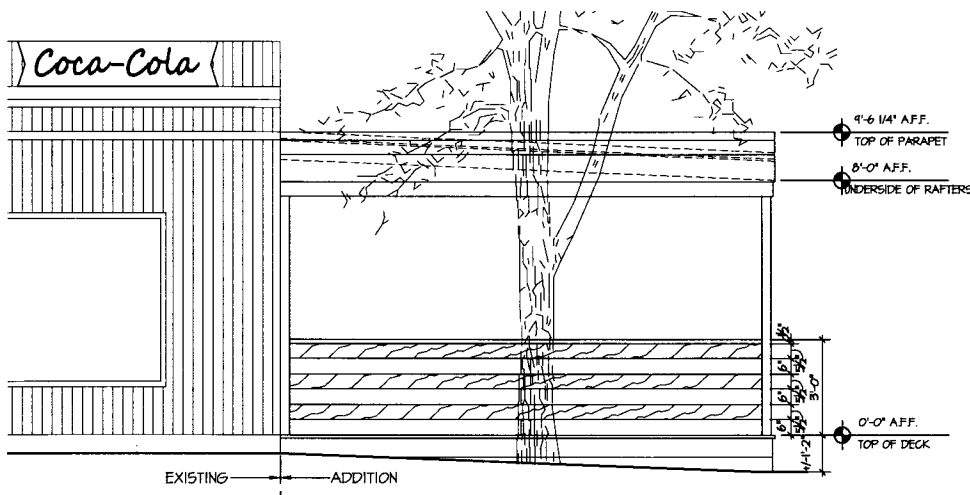
- ☐ Check for \$5 made payable to Treasurer, City of Norfolk,
- ☐ If waivers are requested, additional analysis will be needed; which will require an additional fee of \$100.
- ☐ Description and details of proposal.
- ☐ Two 8½ x 14 inch copies of a survey or site plan drawn to scale showing:
 - Existing and proposed building structures
 - Driveways
 - Parking
 - Landscaping
 - Physical and architectural relationships to surrounding development
 - Location, access, and egress, and site design of parking serving the principal use(s)
 - Pedestrian circulation on and near the site, including pedestrian connections between the designated parking and principal use(s)
 - Location and character and continuity of any open space and landscaping on the site.
 - Location and dimensions of onsite signage
 - Please provide the names and addresses of all professional consultants advising the applicant in the proposed development

CERTIFICATION:

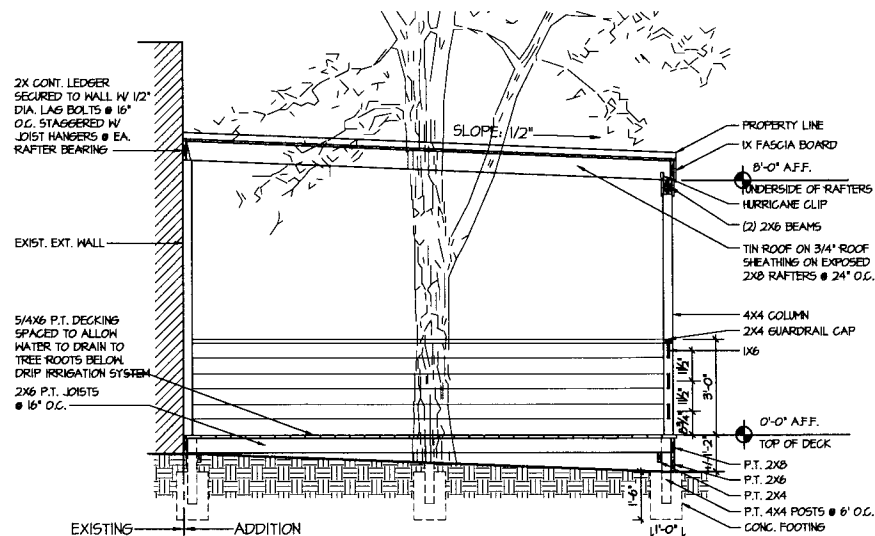
I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: CATY BLAKE Sign: Cathy Blake 03/10/2015
(Property Owner or Authorized Agent Signature) (Date)

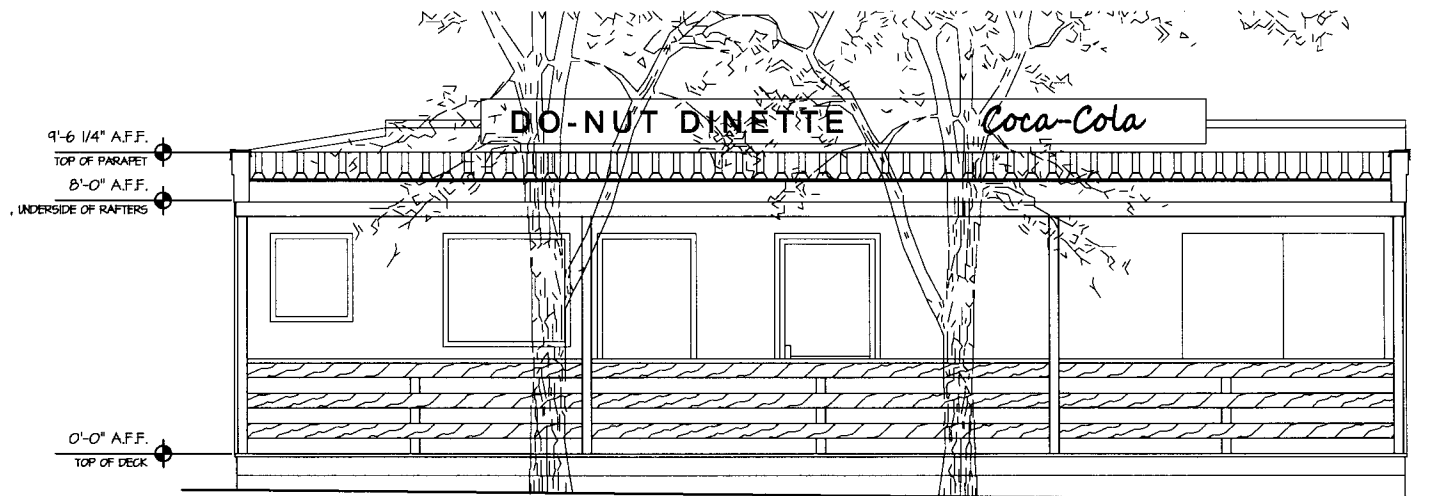
Print name: CATY BLAKE Sign: Cathy Blake 03/10/2015
(Applicant or Authorized Agent Signature) (Date)



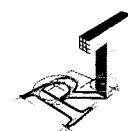
① FRONT ELEVATION
1/4" = 1'-0"



③ WALL SECTION
1/4" = 1'-0"



② SIDE ELEVATION
1/4" = 1'-0"



ROBYN THOMAS
ARCHITECTURE

913 W. 21st Street, Suite C
Norfolk, VA 23517

Off: 757.822.7100
Fax: 757.840.1014



RENOVATIONS TO
1917 COLLEY AVE.
NORFOLK, VA

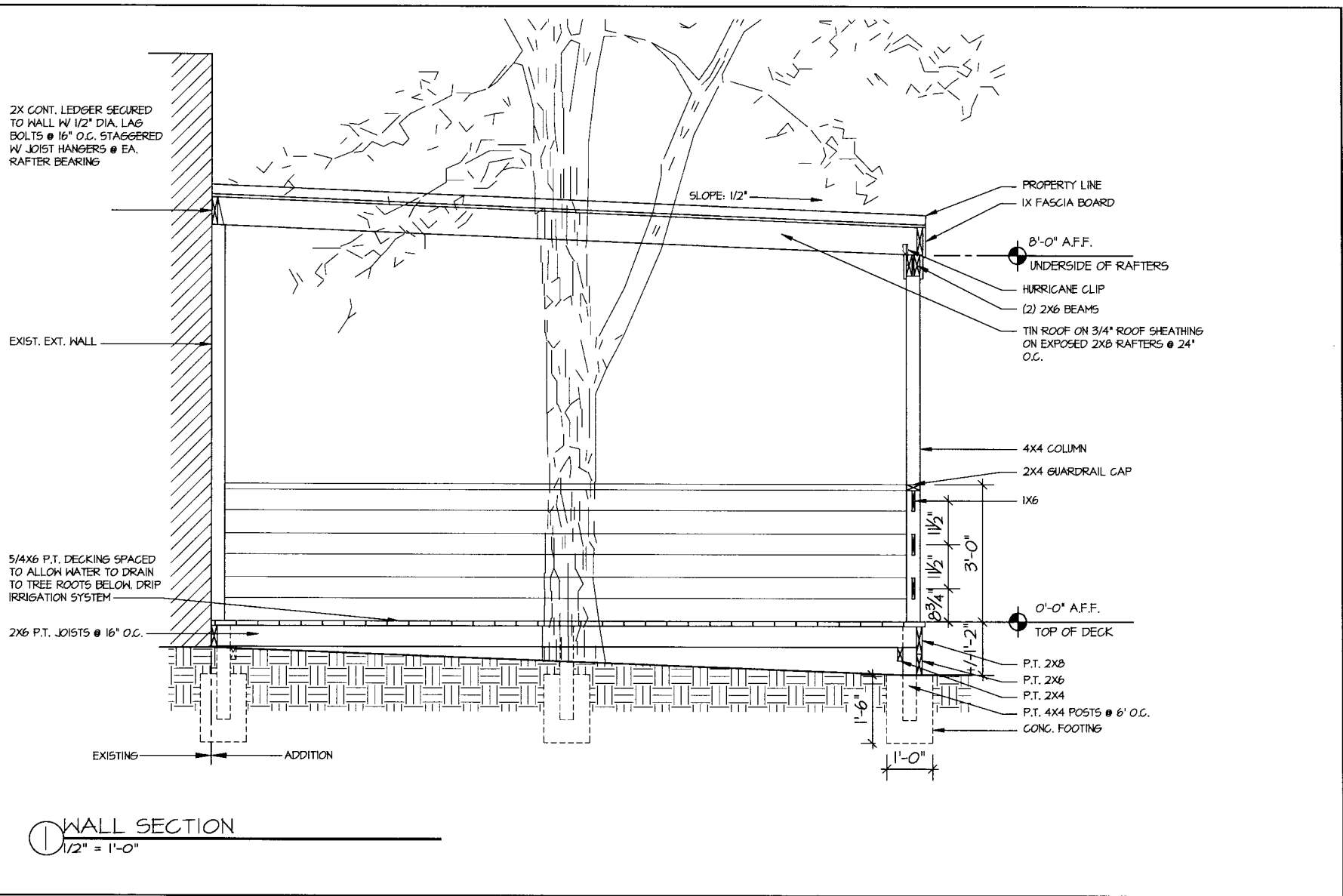

REVISIONS

Δ	DATE	COMMENTS

2 OF 3
01.23.2015
DATE
14-004
COMM. NO.

A2.0

DRAWN CGB
CHECKED RJT

**ROBYN THOMAS
ARCHITECTURE**

913 W. 21st Street, Suite C
Norfolk, VA 23517

Off: 757.622.7100
Fax: 757.840.1014



RENOVATIONS TO
1917 COLLEY AVE.
NORFOLK, VA

REVISIONS	
DATE	COMMENTS

OF
01-23-2015
DATE
14-004
COMM NO.

A2.1

DRAWN CEB

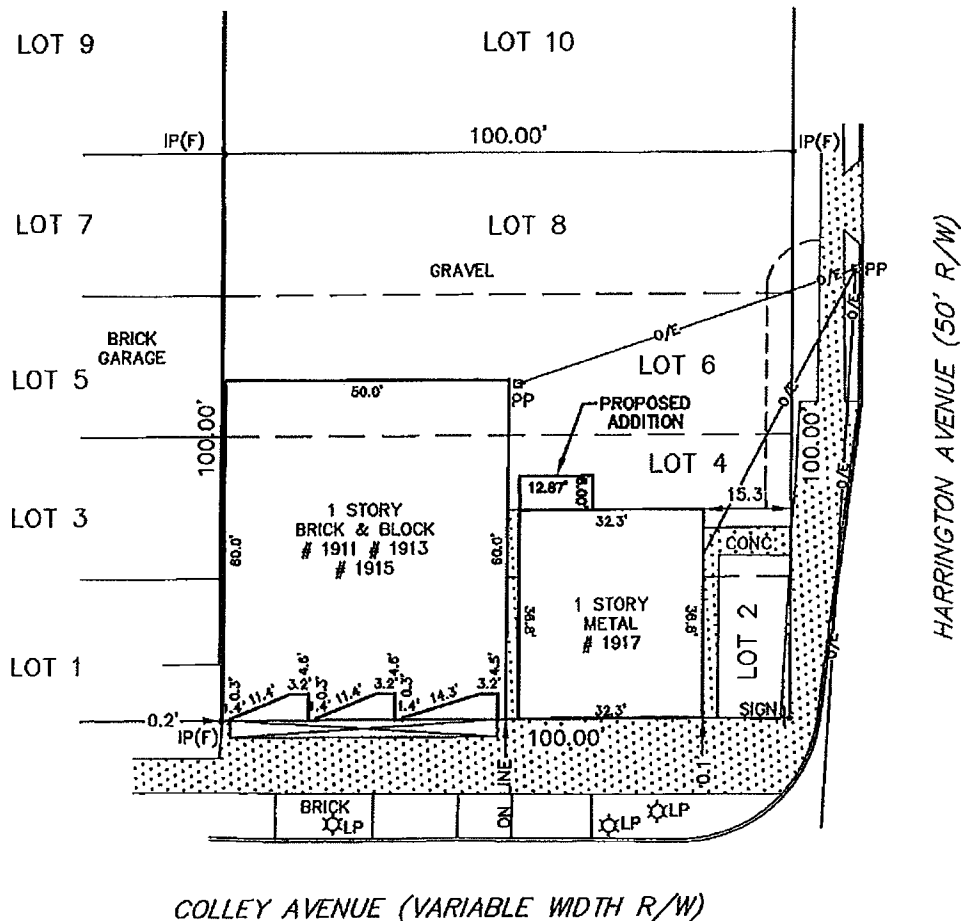
CHECKED RJT

THIS IS TO CERTIFY THAT I, ON DEC. 11, 2014, SURVEYED THE PROPERTY SHOWN HEREON AND THAT THE TITLE LINES AND PHYSICAL IMPROVEMENTS ARE AS SHOWN HEREON. THE IMPROVEMENTS STAND STRICTLY WITHIN THE TITLE LINES AND THERE ARE NO ENCROACHMENTS OF OTHER BUILDINGS EXCEPT AS SHOWN.

SIGNED: *Ward M. Holmes*

NOTES:

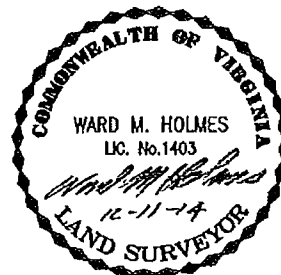
- 1) THE PROPERTY SHOWN HEREON APPEARS TO LIE IN "X" (UNSHADED) FLOOD ZONE ACCORDING TO F.E.M.A. MAP PANEL NO. 510104-0130F, REVISED SEPT. 2, 2009.
- 2) THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT, AND MAY NOT SHOW ANY/ALL EASEMENTS AFFECTING THE PROPERTY.



PHYSICAL SURVEY
OF
LOTS 2, 4, 6, & 8, BLOCK 6
NORTH GHENT
NORFOLK, VIRGINIA
FOR
CHARLES SEARS

DATE: DEC. 11, 2014
SCALE: 1" = 25'
NOTE: FOR PLAT SEE
M.B.1 PG.46-46A
NORFOLK, VA.

WARD M. HOLMES
LAND SURVEYOR, P.C.
9225 GRANBY STREET
NORFOLK, VIRGINIA 23503
757-480-1230



DRAWN BY: DHH

PROJECT NO. 14-1059

Simons, Matthew

From: David Zellmer <david@ghentva.org>
Sent: Thursday, March 26, 2015 11:24 AM
To: Homewood, George; Newcomb, Leonard
Cc: Simons, Matthew
Subject: Ghent Neighborhood League position statement on the New Donut Dinette application

Ghent Neighborhood League position statement on the New Donut Dinette application

The Ghent Neighborhood League voted to ultimately approve the New Donut Dinette application as presented at the March 2015 GNL meeting, however given the extended hours and introduction of alcohol at this location, the GNL respectfully requests that a 12 month sunset clause be included, if the application is approved.

While we wish the owners well on their restoration of this iconic Colley Avenue destination, this proposed application, along with other recent proposals, highlights the Ghent neighborhood's ongoing concern with the City's policy regarding parking spaces required for outdoor dining along Ghent PCO, especially Colley Avenue.

To be sure, we quite empathize the difficult tasks which the Planning Staff undertake with diligence, integrity and dedication. In this particular case, unfortunately, by maintaining a strictly technical focus on objective criteria set out in the Ordinance -- but also *conflating evolving policy* re: outdoor seating with -- Ordinance has not served the broader objective of balancing the interests of all stakeholders.

We continue to strive to encourage the development of the Colley Ave. & 21st St. PCOs in ways that maintain a safe, vibrant and enjoyable Ghent neighborhood experience. With this application we find ourselves in an ambiguous position: we want to encourage the reopening of this iconic business location and we wish the business owners success. However, we believe, with the application now presented, it is all too likely that if they are as successful in attracting the number of patrons as they have planned for, it will result in an untenable parking situation for the residents and other business owners nearby, increasing frustration and traffic loading far beyond what has been presumed.

With the current trends and popularity of outdoor dining, and keeping in mind the the finite Ghent parking situation, the GNL would request that Ghent PCO parking policy for outdoor dining be updated to reflect a more balanced approach that includes all Ghent stakeholders.

Sincerely,

Henry Conde
President, Ghent Neighborhood League